



ENVIRONMENT

# Supreme Court Reaffirms Absolute Protection of Forest Land: Illegal Agricultural Leases Cannot Be Regularised

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## Introduction

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In a decisive ruling reinforcing India's environmental protection regime, the Supreme Court in *State of Karnataka & Ors. v. Gandhi Jeevan Collective Farming Co-operative Society Ltd.*<sup>1</sup> has held that forest land cannot be leased, continued, or regularised for agricultural purposes in violation of the Forest (Conservation) Act, 1980. The Court categorically ruled that prolonged or historical possession of forest land does not legitimise an otherwise illegal grant, and that courts cannot permit continuation of non-forest use merely on equitable considerations. The judgment highlights the primacy of statutory forest protection over administrative lapses and private claims.

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## Factual Background

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The litigation arose from the grant of forest land by the State of Karnataka to the respondent, Gandhi Jeevan Collective Farming Co-operative Society Ltd., for agricultural purposes. By government orders dated 17<sup>th</sup> March, 1973 and 30<sup>th</sup> June, 1976, an extent of approximately 134 acres and 6 guntas of forest land situated in Benachi and Tumarikoppa villages, Kalaghatagi Taluk, Dharwad District, was leased to the cooperative society for a period of ten years commencing from 30 June 1976.

During the subsistence of the lease, the members of the cooperative society cleared substantial portions of the forest land and commenced cultivation. Upon expiry of the lease in March 1985, the State Government declined to renew the arrangement and formally terminated the lease. This termination triggered multiple rounds of litigation initiated by the society, including writ petitions before the Karnataka High Court, all of which ultimately failed to secure continuation of the lease.

Subsequently, the cooperative society instituted a civil suit seeking protection of possession, which resulted in limited relief restraining dispossession except in accordance with law. Appeals preferred by the State were dismissed, with courts consistently observing that eviction, if any, must be carried out through due legal process.

Pursuant to these observations, the Forest Department initiated proceedings under the Karnataka Forest Act and the Karnataka Forest Manual, culminating in an eviction order dated 22 June 2004. The society's statutory appeal was rejected in December 2006, and physical possession of the land was resumed by the Forest Department in January 2007.

Despite the completed eviction, the Karnataka High Court, while disposing of a subsequent writ petition, granted the society liberty to submit a representation for continuation of the lease to the competent authority, which was to be forwarded to the Central Government for consideration. This direction, effectively reopening the question of non-forest use of forest land, formed the basis of the State's appeal before the Supreme Court.

## Core Legal Issues

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The Supreme Court was primarily called upon to decide:

1. Whether forest land could be leased or continued for agricultural purposes.
2. Whether prolonged possession or earlier government action could justify regularisation of an illegal lease.
3. Whether the High Court was correct in allowing the cooperative society to seek continuation of the lease by representation to the Central Government.

## Statutory Framework: Forest (Conservation) Act, 1980

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The Court placed heavy reliance on Section 2 of the Forest (Conservation) Act, 1980, which imposes a complete embargo on:

- De-reservation of forest land;
- Use of forest land for any non-forest purpose, including agriculture;
- Assignment or lease of forest land to private entities,

unless prior approval of the Central Government is obtained. Agriculture is explicitly classified as a non-forest purpose under the Act

## Judicial Reasoning

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The Supreme Court unequivocally held that the lease granted in favour of the respondent cooperative society was void ab initio, as forest land could not lawfully be diverted for agricultural use even at the time when the lease was originally executed. The Court emphasised that statutory restrictions governing forest land are absolute in nature and are not diluted by the passage of time or by past administrative practice.

Rejecting the plea of long-standing possession, the Court clarified that mere enjoyment of possession for several years does not confer any vested, equitable, or proprietary right upon a lessee where the initial grant itself is contrary to law. Equity, the Court observed, cannot be invoked to legitimise or perpetuate an illegality.

The Court further held that judicial forums must refrain from issuing directions that indirectly result in the regularisation or continuation of unlawful use of forest land. Any such course would undermine the express mandate of Section 2 of the Forest (Conservation) Act, 1980, which prohibits the diversion of forest land for non-forest purposes without prior approval of the Central Government.

On this basis, the Supreme Court found the High Court's direction permitting the respondent to submit a representation for continuation of the lease to be legally unsustainable, as it effectively reopened an issue foreclosed by statute and binding precedent.

In reaching its conclusions, the Court placed strong reliance on landmark environmental jurisprudence, particularly *T.N. Godavarman Thirumulpad v. Union of India* and *Centre for Environmental Law<sup>2</sup>, WWF-India v. Union of India<sup>3</sup>*, which categorically prohibit de-reservation or diversion of forest land in the absence of strict statutory compliance and prior central approval.

## Allowing the appeal filed by the State of Karnataka, the Supreme Court issued the following directions:

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- The impugned order of the High Court permitting consideration of continuation or renewal of the lease was set aside as being contrary to statutory mandate.
- The Court affirmed the legality of the Forest Department's resumption of possession of the subject land, holding that the eviction had been carried out in accordance with law.
- The State of Karnataka was directed to undertake ecological restoration of the entire 134 acres of forest land, including reforestation through plantation of indigenous species, in consultation with qualified environmental and forestry experts.
- The restoration exercise was ordered to be completed within a period of twelve months, and the matter was directed to be listed thereafter for submission and consideration of a compliance report.

## Key Takeaways

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- **No equity against statute:** Long possession cannot validate an illegal diversion of forest land.
- **Agriculture is a non-forest purpose** under the Forest (Conservation) Act, 1980.
- **Courts will not regularise environmental illegality**, even if the State itself was complicit in the initial grant.
- **Restoration of forest land is mandatory**, not discretionary, once illegality is established.

## Conclusion

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This decision reinforces the Supreme Court's consistent position that forest land enjoys the highest degree of statutory protection and cannot be diverted, continued, or regularised for non-forest purposes through administrative action or judicial indulgence. The Court has unequivocally affirmed that no rights equitable or otherwise can arise from an illegal grant, regardless of the duration of possession or the identity of the beneficiary.

By setting aside the High Court's directions and mandating active ecological restoration, the Supreme Court has moved beyond mere adjudication to ensure meaningful environmental accountability. The judgment serves as a cautionary precedent for State authorities against irregular allocation of forest land and underscores that compliance with the Forest (Conservation) Act, 1980 is non-negotiable.

Overall, the ruling strengthens India's environmental jurisprudence by reiterating that conservation obligations prevail over private interests and administrative lapses, and that restoration of forest ecosystems is an integral component of environmental justice.

## Author's View

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The judgment represents a timely reaffirmation of the Supreme Court's uncompromising approach to forest conservation and statutory compliance. By refusing to legitimise an unlawful diversion of forest land merely because it had persisted for decades, the Court has reinforced the principle that environmental protection statutes operate as absolute restraints, not discretionary guidelines.

Significantly, the decision also signals judicial intolerance toward administrative shortcuts and retrospective justifications in matters involving ecological assets. The direction to undertake active restoration, rather than merely declaring the lease invalid, reflects an evolving judicial emphasis on remedial environmental governance and outcome-oriented enforcement.

From a broader policy perspective, the ruling serves as a caution to State authorities and quasi-public entities that historical grants or welfare-driven considerations cannot override binding environmental mandates. The judgment is likely to influence future disputes involving forest land regularisation, particularly where long-standing possession is relied upon to seek equitable relief.

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1. CIVIL APPEAL NO(S). 3661 OF 2011 ??
2. (1997) 2 SCC 267 ??
3. 2000 SCC OnLine SC 119 ??

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Environmental Law